

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL. }
Plaintiff, } Civil Action File No. 1:17-cv-
v. } 2989-AT
BRIAN KEMP, ET AL. }
Defendant. }

**PLAINTIFFS' MOTION FOR EXTENSION OF
TIME TO FILE A MOTION FOR PRELIMINARY
INJUNCTION AND FOR LEAVE TO EXPAND PAGE LIMIT**

Plaintiffs respectfully request an extension of time in which to file their Motion for Preliminary Injunction and leave to expand the page limit for this Motion.

At the time the Court held the Tuesday, August 22, 2017 telephonic conference in this matter, Plaintiffs had very recently engaged new counsel, Steptoe & Johnson LLP, to serve as lead counsel in this case.¹ Counsel of record

¹ Steptoe counsel did not participate in the teleconference because as they had not yet entered his appearance, although Mr. Schwartz was on the phone to listen to the proceedings and was identified by current counsel. Since the August 22, 2017 teleconference, attorneys from Steptoe have filed Applications for Admission Pro Hac Vice, which are currently pending before the Court.

were aware of the change in counsel, and understood that Steptoe attorneys would need time to become educated about the case. Based on their best judgment, Holcomb + Ward represented that counsel raised no objection to a schedule that provided for Plaintiffs' Motion for Preliminary Injunction to be filed by Wednesday, August 30th, Defendants' Response to be filed by Tuesday, September 5th and oral argument to be held the week of September 21st.

Since the August 22nd teleconference, Steptoe counsel have worked diligently to get up-to-speed on the case, and to prepare the Motion and Memorandum of Law. In the process of preparing the Motion and Memorandum, and marshaling the evidentiary support, counsel has found that the process of mastering the extensive and complex factual record has required considerably more time than the Holcomb attorneys anticipated in agreeing to the August 30th filing date for the Motion for Preliminary Injunction.

In light of, and consistent with, the facts set forth above, Plaintiffs respectfully seek a modest extension of time, until Tuesday, September 5th, by which to file the Motion for Preliminary Injunction. Plaintiffs further suggest that the date for Defendants to respond to Plaintiffs' Motion be set for Tuesday, September 12th, which provides Defendants an additional day (beyond what was provided under the existing schedule) by which to respond to Plaintiffs' Motion.

Plaintiffs note that a reply brief, which is permitted under local rules, was not discussed during the telephonic conference. Plaintiffs propose that they would file such a reply three days later, on Friday, September 15th. Plaintiffs would further propose that the Court hold a hearing on the Motion for Preliminary Injunction as soon as practicable thereafter.

Plaintiffs fully understand the importance of proceeding with this case in an efficient and expedited manner, and the necessity of receiving a ruling from the Court in sufficient time to allow Defendants to carry out administrative tasks before the upcoming November 7th election, should the Court rule in Plaintiffs' favor. However, based on the Defendants' August 25 submission regarding the required steps, coupled with the fact that the upcoming election is expected to involve a relatively small voter turnout, Plaintiffs believe that the amount of time the Defendants will need to prepare for the election does not warrant as compressed a schedule as the one under which the parties are currently operating.

Through the process of briefing and arguing this Motion for Preliminary Injunction, Plaintiffs intend to demonstrate that readying the electronic equipment needed for a three county municipal election would not be particularly time-consuming or arduous, and will similarly be able to show that printing a paper ballot for every voter in the three Defendant counties would present only an

extremely modest financial burden, particularly since Defendants must already print paper ballots for absentee mail-in voters and have ballots available at polling places in the event of an emergency, such as a power outage, that would prevent the casting of electronic ballots.

Plaintiffs are not insensitive to the redundancies that would come with preparing for both electronic and paper voting. However, inconvenience to the government (particularly where, as here, it is rather slight) and a monetary expenditure (particularly where, as here, it is rather modest) should not outweigh the interests of Plaintiffs, and other affected voters, in pursuing their goal of ensuring that the November 7th election be as private and secure as the law requires.

To the extent that Plaintiffs seek expedited discovery – a topic that was discussed in the August 22 call with the Court – they will file an amended motion for such discovery simultaneously with the filing of the Motion for Preliminary Injunction.

Plaintiffs' counsel contacted counsel for Defendants, who did not consent to this Motion.

Plaintiffs also seek an increase to the page limit by an additional 15 pages, to ensure that they adequately present the information necessary for the Court to issue a ruling on the merits.

For the foregoing reasons, Plaintiffs respectfully request an extension of time for the deadlines related to the preliminary injunction motion and leave to file additional pages.

Respectfully submitted this 30th day of August, 2017.

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CERTIFICATE PURSUANT TO L.R. 7.1D

I hereby certify that this Motion conforms to the requirements of L.R. 5.1C.

This Motion is written in 14 point Times New Roman font.

/s/ Bryan Ward

CERTIFICATE OF SERVICE

The undersigned hereby certifies that Plaintiffs – through their attorney – filed their **MOTION FOR EXTENSION OF TIME TO FILE PRELIMINARY INJUNCTION MOTION AND ADDITIONAL PAGES** – to the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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I further certify that I have served, by U.S. mail, first class postage prepaid, the following Non-CM/ECF participants:

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This 30th day of August, 2017.

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